

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELLY BUERGER, individually and on behalf of others
similarly situated,

Case No.: 22-cv-4823

Plaintiffs,

- against -

B HOSPITALITY CORP. d/b/a BUTLER HOSPITALITY,

Defendant.

~~PROPOSED~~ DEFAULT JUDGMENT

THIS CASE having been commenced by Plaintiff Kelly Buerger, individually and on behalf of others similarly situated (“Plaintiffs”) against Defendant B Hospitality Corp. d/b/a Butler Hospitality (“Defendant”), and Plaintiffs having moved for entry of Default and Default Judgment against Defendant.

Plaintiffs having properly completed service of process on Defendant to apprise Defendant of the pendency of this action and affording them the opportunity to answer and present their objections; and

Defendant having failed to answer the Complaint, appear before this Court in any way, or have representatives reach out to the Court or Plaintiffs’ Counsel, and time for answering the Complaint having expired;

THIS COURT FINDS that it has federal question jurisdiction under 28 U.S.C. § 1331 because this case is brought under 29 U.S.C. § 2104(a)(5). This Court has supplemental jurisdiction over the New York State law claims pursuant to 28 U.S.C. § 1337, as they are so related in this action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

THIS COURT FURTHER FINDS that Defendant is liable for violations of the Worker Adjustment and Retraining Notification Act (29 U.S.C. §§ 2101, *et seq.*) and the New York Worker Adjustment and Retraining Notification Act, (New York Labor Law §§ 860, *et Seq.*) resulting from its mass layoff/plant closings, both in New York and throughout the country.

IT IS HEREBY ORDERED that Plaintiffs' Motion for Entry of Default and Default Judgment is Granted in its entirety, that Defendant is deemed in default and that this Default Judgment is entered against Defendant in the amount of \$5,092,796.72 inclusive of attorney's fees, costs, and expenses.

Dated: 9/13/22



Honorable Jed S. Rakoff, U.S.D.J.